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7/27/15

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of Oregon

FILED 27 JUL '15 14:12 USDC-ORE

United States of America)

v.)

STEVEN LEE SIMMONS)

Case No. 6:15-mj-107-TC

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 13, 2015 in the county of Harney in the
District of Oregon, the defendant(s) violated:

Code Section


18 U.S.C. 922(g)(1)

Offense Description

Felon in possession of a firearm

This criminal complaint is based on these facts:

See attached affidavit of ATF Special Agent Caleb Enk.

☒ Continued on the attached sheet.

Complainant's signature

ATF Special Agent Caleb Enk

Printed name and title

Sworn to before me and signed in my presence.

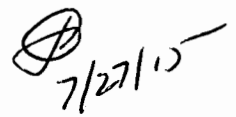
Date: 07/27/2015

Judge's signature

City and state: Eugene, Oregon

Thomas M. Coffin, U.S. Magistrate Judge

Printed name and title



UNITED STATES OF AMERICA)
)
DISTRICT OF OREGON)

AFFIDAVIT OF CALEB ENK

I, Caleb Enk, being duly sworn, do hereby depose and say that:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives assigned to the Portland, Oregon post of duty, and have been so employed since September 2005. This affidavit is made in support of a criminal complaint charging Steven Lee Simmons with Felon in Possession of a Firearm in violation of 18 U.S.C. § 922(g)(1) in the District of Oregon.
2. On July 23, 2015, I was assigned to investigate the circumstances surrounding a firearm allegedly possessed by Steven Lee Simmons on July 13, 2015, in Harney County, Oregon. I reviewed the arresting officer's report (Harney County Sheriff's Office #1507122), and spoke with the reporting officer.
3. On July 13, 2015, Harney County Sheriff's Office (HCSO) received information that Steven Lee Simmons was in possession of a firearm at the Central Pastime Bar, located at 211 N. Broadway Avenue in Burns, Oregon. HCSO interviewed Susan Ohlund, owner of Central Pastime Bar at approximately 4:00 pm on July 13, 2015. Susan Ohlund stated she received phone calls from several of her employees, all of whom stated Steven Lee Simmons was at Central Pastime Bar with a handgun, and making threats of going to kill someone. The employees making the claims were identified as Jennifer Moore, Trisha Yarbrough, Patty Hodge, Polly McMasters, and Cindy Erni. According to Susan Ohlund, Trisha Yarbrough had convinced Steven Lee Simmons to put the handgun in her vehicle and attempted to calm Steven Lee Simmons down. Susan Ohlund stated she responded to Central Pastime Bar and parked at the rear of the business, where she observed Steven Lee Simmons walk outside and retrieve a handgun from Trisha Yarbrough's vehicle. Susan Ohlund stated she then convinced Steven Lee Simmons to place the handgun in her car, after which Susan Ohlund attempted to calm Steven Lee Simmons down, and find out what was going on. Susan Ohlund further stated she then drove Steven Lee Simmons to Donna Volk's residence. Donna Volk is the mother of Steven Lee Simmons's girlfriend – Amanda Volk. Upon arrival, Susan Ohlund requested Donna Volk store the handgun in her residence, so Steven Lee Simmons did not have

access to it. According to Susan Ohlund, Donna Volk agreed to do so. Susan Ohlund later notified HCSO she had reviewed the surveillance video from Central Pastime Bar and it showed Steven Lee Simmons removing the handgun from Trisha Yarbrough's vehicle and placing in Susan Ohlund's vehicle.

4. HCSO also interviewed Jennifer Moore, employee of Central Pastime Bar. Jennifer Moore stated earlier in the day on July 13, 2015, she received a phone call request from Trisha Yarbrough to pick-up Steven Lee Simmons and give him a ride to Riley, Oregon. Jennifer Moore stated she agreed to do so because she was travelling to Bend, Oregon anyway. Jennifer Moore stated when she arrived to pick-up Steven Lee Simmons, he went inside of Carol Hendrickson's (mother of Steven Lee Simmons) house, and returned carrying a handgun. Jennifer Moore stated Steven Lee Simmons put the handgun under his passenger seat in the vehicle. Jennifer Moore stated she was upset Steven Lee Simmons had the handgun, so she drove him to Central Pastime Bar and dropped him off.

5. At approximately 5:00 pm on July 13, 2015, HCSO responded to Donna Volk's residence, and received consent to retrieve the handgun which had been stored inside in an effort to keep it away from Steven Lee Simmons. HCSO found the handgun, along with approximately 500 rounds of .22 caliber ammunition. During an interview, Donna Volk stated Susan Ohlund brought Steven Lee Simmons to her residence earlier that day, and Susan Ohlund requested Donna Volk store the handgun.

6. While HCSO was present at Donna Volk's residence, Steven Lee Simmons and Amanda Volk arrived. HCSO interviewed Steven Lee Simmons, after advising him of his Miranda Rights. During the interview, Steven Lee Simmons stated the handgun belonged to Amanda Volk. Steven Lee Simmons stated he could not recall from whom the handgun was purchased.

7. HCSO also interviewed Amanda Volk. Amanda Volk stated she was supposed to buy the handgun for \$200.00, but had not paid for it yet. Amanda Volk further stated Steven Lee Simmons was responsible for brokering the handgun purchase, and she was not sure who the handgun was bought from. Amanda Volk further stated she had never seen the handgun.

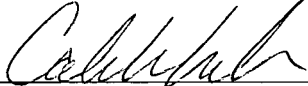
8. HCSO also interviewed Carol Hendrickson on July 13, 2015. Carol Hendrickson stated approximately one week earlier, Steven Lee Simmons borrowed \$100.00 from herself and her boyfriend, identified as Dale Weeks. According to Carol Hendrickson, Steven Lee Simmons gave her and Dale Weeks the handgun as collateral on the \$100.00. Carol Hendrickson stated on July 13, 2015, at approximately 11:30 am, Steven Lee Simmons came inside her house to the bedroom, and then left with the handgun.

9. Steven Lee Simmons's criminal history shows multiple felony convictions in Oregon, including: Felon in Possession in 2007, Attempt to Elude in 2007, Robbery in Third Degree in 2005, Burglary in First Degree in 2005, Unauthorized Use of a Motor Vehicle in 2003, Possession of a Controlled Substance in 2002, Theft in First Degree in 2001, Escape in the Second Degree in 2001, Burglary in the First Degree in 2001, Possession of a Controlled Substance in 2001, all punishable by more than one year in prison.

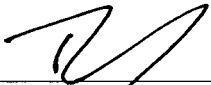
10. ATF Agent Albert Hobaugh, who has been trained in firearms identification, determined that the Tanfoglio revolver, model E15, .22 caliber, serial number 13558, was manufactured outside the state of Oregon, and thus was shipped or transported in interstate commerce to be found in Oregon.

11. Based upon the above, I have probable cause to believe that on, or about, July 13, 2015, Steven Lee Simmons, a felon, possessed a firearm which had been transported in interstate commerce, in violation of 18 U.S.C. § 922(g)(1).

12. Assistant United States Attorney Frank Papagni has reviewed this affidavit and concurs that probable cause exists to arrest Steven Lee Simmons for this offense.


Caleb Enk
Special Agent, ATF

Sworn to and subscribed before me this 27 day of July 2015


The Honorable Thomas M. Coffin
U.S. Magistrate Judge